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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,725	12/21/2000	Melvin L. Prueitt	31158-1002	1170
5179	7590	03/11/2004	EXAMINER	
PEACOCK MYERS AND ADAMS P C			NGUYEN, HOANG M	
P O BOX 26927			ART UNIT	
ALBUQUERQUE, NM 871256927			PAPER NUMBER	
			3748	

DATE MAILED: 03/11/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/746,725

Applicant(s)

PRUEITT, MELVIN L.

Examiner

Hoang M Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-18 and 20-29 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,3-14 and 20-29 is/are rejected.  
7) ☒ Claim(s) 15-18 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

Applicant's amendment dated February 06, 2004, has been fully considered.

Applicant has argued that Childs does not teach a condenser. The Examiner disagrees. Please note the cooler 24 in Childs can be considered as a condenser.

Regarding the hydraulic motor in connection with the pump, Applicant's attention is directed to figure 7, which clearly shows a pump and a motor connected by the same piston rod 102 to supply/accept fluid in/to a reverse osmosis.

Applicant has argued that the applied references fail to show the fluid connection between the solar panel and the boiler. This argument is found persuasive, and a new ground of rejection has been made based on newly discovered references from further search.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8-14, 25-29, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6470683 (Childs et al) and U.S. 5775107 (Sparkman). Child discloses in figures 4 and 5 a solar energy heat input 18, boiler (figure 4), a recuperator 23, an expander 21, a pump 15. Figures 4 and 5 do not disclose a reverse osmosis,

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and a fluid communication line between the solar panel and the boiler. However, figure 6 is relied upon to disclose that it's well known to have a reverse osmosis unit 55 being driven a pump 54. Sparkman teaches that it's well known to have a boiler 16 being in fluid communication with a solar panel 18. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize the pumps in figures 4 & 5 to drive a reverse osmosis for the purpose of making clear water. Also, it would have been obvious to modify the system in Childs et al to have a fluid communication line between a solar panel and the boiler as taught by Sparkman for the purpose of more effectively providing heat to the system.

Regarding claims 11, 27, figure 8 discloses it's well known to have more than one pump. It would have been obvious to provide more than one pump in the system of figures 4 or 5 for the purpose of more effectively pumping fluids into the reverse osmosis.

Claims 3-7, 20-21, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Childs et al as modified by Sparkman as applied to claim 1 above, and further in view of Young. Childs et al as modified teaches all the claimed subject matter as set forth above in the rejection of claim 1, but still does not teach that rotary motors having rotary pistons are used. Young teaches it's well known to use rotary motors having rotary pistons 111, 200, which can be used in a thermodynamic cycle. It would have been obvious at the time the invention was made to a person having ordinary skill in the

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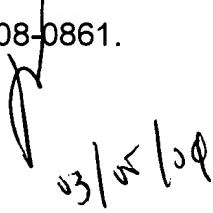
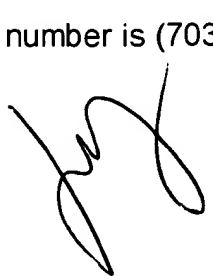
art to replace the motors in Childs by rotary motors in Young for the purpose of achieving rotary force output.

Claims 15-18, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (703) 308-3477. The examiner can normally be reached on Monday--Thursday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion, can be reached on (703)-308-2623. The fax phone number for the Examiner is (703) 872-9302 for regular communication, and (703) 872-9303 for after final communication.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861.



HOANG NGUYEN  
PRIMARY EXAMINER  
ART UNIT 3748

Hoang Minh Nguyen  
3/5/04